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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/910,960	07/24/2001	Ola Olofsson	TPP 30887CIP2	4841

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EXAMINER

ART UNIT PAPER NUMBER

DATE MAILED: 12/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Notification of Non-Compliant Appeal Brief
(37 CFR 41.37)**

Application No.

09/910,960

Applicant(s)

OLOFSSON ET AL.

Examiner

Victor MacArthur

Art Unit

3679

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 25 September 2006 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.
EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☒ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☒ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☒ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

See Continuation Sheet.



DANIEL P. STODOLA
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Continuation of 10. Other (including any explanation in support of the above items):

The Status of Claims section must specifically state which claims are being appealed.

The Summary of Claimed Subject Matter section does not include clear identification of the structure, material or acts described in the specification as corresponding to the "guiding means" (claim 7) under 35 U.S.C. 112 6th paragraph. Note that the structure of the "means" must be identified and that such structure must be referred to by both page and line number and reference characters. See 37 CFR 41.37(c).

The Summary of Claimed Subject Matter section includes subject matter not recited in the claims. For instance, the subject matter "prefabricated" and "to eliminate or alleviate pressures" (first paragraph of Summary section) are not recited in the independent claims. See 37 C.F.R. 41.37(C)(1)(v). The Summary of Claimed Subject Matter is NOT intended to be a broad description of the disclosure, nor should it be a springboard for arguments. The Summary of Claimed Subject Matter section is intended to assist the Board in finding antecedent basis in the specification and drawings for CLAIMED subject matter. Only subject matter from appealed independent claims should be included.

The Summary of Claimed Subject Matter section fails to include the reference character associated with each claimed element. Note that reference to the drawings of the claimed subject matter is to be by reference characters. See 37 CFR 41.37(c).

The Summary of Claimed Subject Matter section fails to refer to each and every recited claim element by page and line number of the specification (and to the drawings by reference character). For example, the angled distal surface has not been properly referenced/identified. With respect to this example, it is noted that the entire last paragraph of page 2 is referenced at the end of the sentence that mentions "angled distal surface." However, nowhere in this paragraph is any mention found of the angled distal surface. It is further noted that some elements are defined by reference to "original" claims. This is improper. The purpose of this section is to identify where in the specification the subject matter is found and what the subject matter is (by reference characters).

The Grounds of Rejection to be reviewed on Appeal section should be a concise statement of the grounds of rejection and should not include petitionable matters such as minor claim objections. Moreover, it would appear that entry of the After Final amendment of July 25, 2006 overcomes the previously stated objections, rendering them moot, and therefore there is no longer any issue in this regard.

The Argument section should not refer to petitionable matters such as minor claim objections. (e.g., paragraph A. of the Argument sections).

Any headings of the Argument section must be orderly and clear. Note that currently there are two subsections labeled "B" under the section VII arguments.